

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

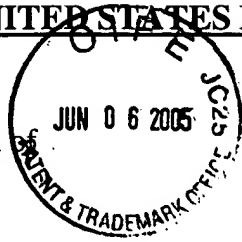
In re Patent Application of

LEBRE et al.

Serial No. 09/647,736

Filed: October 4, 2000

For: DISTRIBUTED DATA PROCESSING



Atty. Ref.: 36-1358

TC/A.U.: 2145

Examiner: Cardone, J.

\* \* \* \* \*

June 6, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ELECTION/RESPONSE**

In response to the Office Action dated May 11, 2005, please consider the following remarks.

The Office Action requires restriction to one of the following inventions:

- I. Claims 1-24, 30 and 31; and
- II. Claims 25-29 and 32.

The Office Action alleges that inventions I and II are related as subcombinations disclosed as usable together in a single combination. The Office Action further alleges "In the instant case, invention I has separate utility such as transferring a server process, while invention II has separate utility such as transferring object messages. See MPEP §806.05(d)."

The present application is a national stage application filed under 35 U.S.C. §371. Accordingly, the restriction practice under MPEP §806.05(d) (specifically identified in

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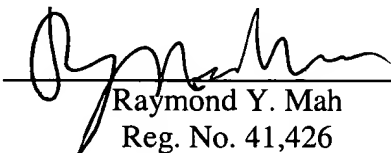
the Office Action) is **not** applicable to the present application. Applicant therefore traverses the restriction requirement since the rule(s) purportedly forming a basis of the restriction requirement does not even apply to the present application. The restriction requirement is therefore fundamentally flawed.

Applicant submits that there is no lack of unity of invention between inventions I and II. While the Office Action alleges that invention I has "separate" utility such as transferring a server process, Applicant notes, for example, that claim 25 (of invention II) requires "the server object is selectively re-locatable to different places in the environment (emphasis added)." Accordingly, Applicant respectfully requests that all claims be examined. In an abundance of caution, however, Applicant elects invention I with traverse.

If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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